IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:08-CV-248-D(3)

LINDA JENKINS,)	
Plaintiff,)	
v.)	ORDER
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

On December 16, 2008, Magistrate Judge Webb issued a Memorandum and Recommendation ("M&R"). In that M&R, Judge Webb recommended that plaintiff's motion for judgment on the pleadings be granted, defendant's motion for judgment on the pleadings be denied, and defendant's final decision denying the request for benefits be reversed and remanded to permit the Administrative Law Judge to make specific findings regarding the treating physician's opinion in the Physician Authorization for Certification and Treatment Form. No objections to the M&R have been filed.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted, emphasis removed, and alteration in original). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Id.</u> (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Plaintiff's motion for judgment on the pleadings is GRANTED, defendant's motion for judgment on the pleadings is DENIED, and the action is REVERSED and REMANDED to the Commissioner.

SO ORDERED. This 16 day of January 2009.

JAMES C. DEVER III
United States District Judge